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17 Attorneys for Defendant  
 18 CITY OF EAST PALO ALTO

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

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 28 PALO MOBILE ESTATES ASSOCIATES, a )  
 29 California limited partnership, )

30 Plaintiff, )

31 v. )  
 32  
 33 CITY OF EAST PALO ALTO, a municipal )  
 34 corporation; DOES 1 through 10, inclusive, )

35 Defendants. )

36 CASE NO: C 07-03601 PJH

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**DEFENDANT CITY OF EAST PALO ALTO'S**  
**REQUEST FOR JUDICIAL NOTICE IN**  
**SUPPORT OF ITS BRIEF RE ORDER TO**  
**SHOW CAUSE WHY THIS ACTION SHOULD**  
**NOT BE REMANDED TO THE SUPERIOR**  
**COURT OF SAN MATEO COUNTY FOR**  
**LACK OF SUBJECT MATTER**  
**JURISDICTION**

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 44 Superior Court Action Filed: June 12, 2007  
 45 Removed to Federal Court: July 12, 2007  
 46 Trial Date: None Set

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1 convert rental mobilehome parks into resident-owned mobilehome parks — the same moratorium that  
 2 PME challenges in this action before this court. This is the companion action that PME filed in the  
 3 San Mateo County Superior Court at the same time that it filed the action that is presently before this  
 4 Court.

5 Judicial notice of these two documents is appropriate under *U.S. ex rel. Robinson Rancheria*  
 6 *Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992), which provides that a federal court  
 7 “may take notice of proceedings in other courts, both within and without the federal judicial system, if  
 8 those proceedings have a direct relation to matters at issue.”

9 The order of which the City asks this Court to take judicial notice is the “Order Denying  
 10 Motion for Writ of Mandate,” entered August 27, 2007. A true and correct copy of this order is  
 11 attached hereto as Exhibit “A.”

12 The judgment of which the City asks this Court to take judicial notice is the “Judgment in  
 13 Favor of Respondent City of East Palo Alto and Against Petitioner Palo Mobile Estates Associates,”  
 14 entered October 22, 2007. A true and correct copy of this judgment is attached hereto as Exhibit “B.”

16 Dated: November 2, 2007

JARVIS, FAY & DOPORTO, LLP

18 By: /s/Benjamin P. Fay  
 19 Benjamin P. Fay  
 Attorneys for Defendant  
 20 CITY OF EAST PALO ALTO

21 J:\Clients\103 [E. Palo Alto]\010 (Palo Mobile Estates Complaint (Fed))\Plead\Request for Judicial Notice 110207.wpd

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**ENDORSED FILED  
SAN MATEO COUNTY**

AUG 27 2007

Clerk of the Superior Court  
By F. MORNEAU  
DEPUTY CLERK

9 Benjamin P. Fay, SBN: 178856  
10 Rick W. Jarvis, SBN: 154479  
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18 Attorneys for Respondent  
19 CITY OF EAST PALO ALTO

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN MATEO**

29 PALO MOBILE ESTATES ASSOCIATES, a )  
30 California limited partnership, )

31 CASE NO: CIV 463681

32 ~~Proposed~~ ORDER DENYING  
33 MOTION FOR WRIT OF MANDATE

34 Time: 9:00 a.m.

35 Date: July 20, 2007

36 Dept: 25

37 Judge: Hon. Joseph C. Scott

38 Action Filed: June 12, 2007

39 Trial Date: None Set

40 The motion for writ of mandate brought by Petitioner PALO MOBILE ESTATES

41 ASSOCIATES came on for hearing in Department 25 of this Court on July 20, 2007 at approximately  
42 9:30 a.m., the Honorable Joseph C. Scott presiding.

43 Thomas W. Casparian, of Gilchrist & Rutter, appeared on behalf of Petitioner PALO MOBILE  
44 ESTATES ASSOCIATES.

1 Benjamin P. Fay, of Jarvis, Fay & Doporto, LLP, and Michael S. Lawson, the City Attorney of  
 2 the City of East Palo Alto, appeared on behalf of Respondent CITY OF EAST PALO ALTO.

3 In this motion, Petitioner PALO MOBILE ESTATES ASSOCIATES sought a peremptory writ  
 4 of mandate to compel the CITY OF EAST PALO ALTO (1) to vacate the moratorium on the  
 5 conversion of mobilehome parks to resident ownership in the CITY and (2) to resume approval of  
 6 subdivision applications for conversions of mobilehome parks to resident ownership within the CITY.

7 The Court has heard the arguments of counsel and has read and considered the pleadings filed  
 8 in this matter. Good cause appearing, the Court now rules as follows:

9 The motion is denied without prejudice to renew because the claim is not ripe and the  
 10 moratorium will expire on July 27, 2007.

11  
 12 IT IS SO ORDERED

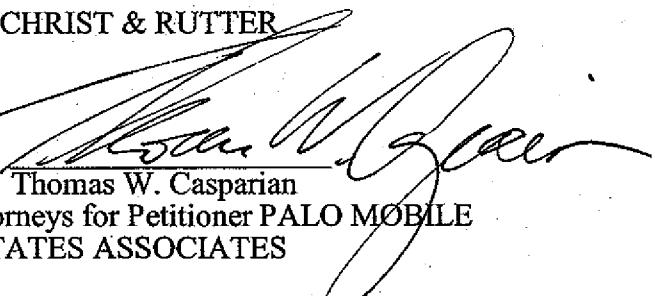
13  
 14 Dated: AUG 21 2007

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 18 - JOSEPH C. SLOTT  
 19 JUDGE OF THE SUPERIOR COURT

20 Approved as to Form:

21 Dated: Aug 26, 2007

22 GILCHRIST & RUTTER

23 By:   
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ENDORSED FILED  
SAN MATEO COUNTY

OCT 22 2007

Clerk of the Superior Court  
By M. Javillonar  
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18 Attorneys for Respondent  
19 CITY OF EAST PALO ALTO

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 IN AND FOR THE COUNTY OF SAN MATEO

16 PALO MOBILE ESTATES ASSOCIATES, a ) CASE NO: CIV 463681  
17 California limited partnership, )  
18 Petitioner, ) JUDGMENT IN FAVOR OF  
19 v. ) RESPONDENT CITY OF EAST PALO  
20 CITY OF EAST PALO ALTO, a municipal ) ALTO AND AGAINST PETITIONER  
corporation; DOES 1 through 10, inclusive, ) PALO MOBILE ESTATES  
21 Respondents. ) ASSOCIATES  
22  
23

Action Filed: June 12, 2007  
Trial Date: None Set

24 The Verified Petition for Writ of Mandate, filed by the Petitioner PALO MOBILE ESTATES  
25 ASSOCIATES on June 12, 2007, asserts one cause of action: a petition for a writ of mandate under  
26 section 1085 of the Code of Civil Procedure.

27 Accordingly, the Petitioner PALO MOBILE ESTATES ASSOCIATES brought a motion for a  
28 writ of mandate. On July 20, 2007, the motion for writ of mandate came on for hearing in Department

1 25 of this Court before the Honorable Joseph C. Scott. Thomas W. Casparian, of Gilchrist & Rutter,  
2 appeared on behalf of Petitioner PALO MOBILE ESTATES ASSOCIATES. Benjamin P. Fay, of  
3 Jarvis, Fay & Doporto, LLP, and Michael S. Lawson, the City Attorney of the City of East Palo Alto,  
4 appeared on behalf of Respondent CITY OF EAST PALO ALTO.

5 On August 27, 2007, the Court entered an order denying the writ without prejudice "because  
6 the claim is not ripe and the moratorium will expire on July 27, 2007." Notice of entry of this order  
7 was served on August 29, 2007. This order resolved the only cause of action in the Petition, and  
8 therefore it is now appropriate to enter judgment.

9  
10 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment is entered in favor  
11 of the Respondent CITY OF EAST PALO ALTO and against the Petitioner PALO MOBILE  
12 ESTATES ASSOCIATES .

13  
14 Dated: OCT 16 2007

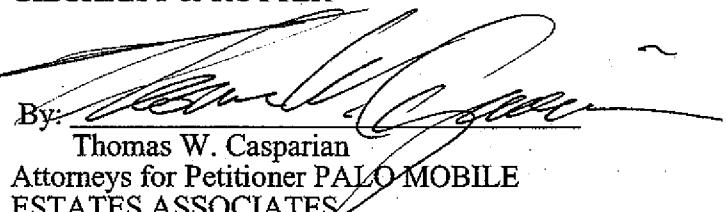
**JOSEPH C. SCOTT**

15 HON. JOSEPH C. SCOTT  
16 Judge of the Superior Court

17  
18 Approved as to Form:

19  
20 Dated: OCT 16 2007

GILCHRIST & RUTTER

21 By: 

22 Thomas W. Casparian  
23 Attorneys for Petitioner PALO MOBILE  
24 ESTATES ASSOCIATES

25 J:\Clients\103 [E. Palo Alto]\009 (Palo Mobile Estates Writ)\Plead\Judgment.wpd